

Consideration for preliminary adoption of the repeal of 312 IAC 18-3-12, 312 IAC 18-3-18 and 312 IAC 18-3-20, governing the control of larger pine shoot beetle, emerald ash borer and the regulation of Brazilian elodea, respectively; Administrative Cause No. 15-055E

Proposed is the repeal of 312 IAC 18-3-12, which governs the control of larger pine shoot beetle (*Tomicus piniperda*). The implementation of the rule no longer assists in management efforts for the pest in Indiana. Repeal of the rule would allow movement of pine regulated materials throughout Indiana without federal or state restrictions or requirements. However, the movement of pine regulated materials out of Indiana is and will continue to be governed by the Federal quarantine.

Proposed is the repeal of 312 IAC 18-3-18, which governs the emerald ash borer (*Agrilus planipennis*). The implementation of the rule no longer assists in management efforts for the pest in Indiana. Repeal of the rule would allow movement of ash regulated materials throughout Indiana without federal or state restrictions or requirements. The current federal quarantine for emerald ash borer encompasses the majority of Midwestern states as the population of this pest has spread throughout most of these states. The rule in its current form imposes restrictions on industry within Indiana that may limit their ability to conduct business in an effective manner.

Also proposed is the repeal of 312 IAC 18-3-20, which provides standards for the regulation of Brazilian elodea (*Egeria densa*). In 2012, the Commission adopted 312 IAC 18-3-23, which lists prohibited invasive aquatic plants (declared pests or pathogens). Brazilian elodea is listed as a prohibited invasive aquatic plant at 312 IAC 18-3-23(4). Existence of both sections in the current Administrative Code causes confusion to small business in the implementation of the rule.